

APPEAL NO. 042240
FILED OCTOBER 25, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 10, 2004. The hearing officer determined that the compensable injury of _____, extends to and includes a psychological injury of depression. The appellant (carrier) appeals this determination on sufficiency of the evidence grounds. The respondent (claimant) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of _____, extends to and includes a psychological injury of depression. We have said that depression is compensable if it is the "result of the injury" as opposed to being traceable to the "circumstances arising out of and immediately following the injury." Texas Workers' Compensation Commission Appeal No. 961449, decided September 9, 1996. To be clear, where the depression naturally flowed from the pain and physical limitations caused by the compensable injury, the depression is compensable; whereas depression that resulted from the stress of workers' compensation "system" or financial difficulties is not compensable. See Texas Workers' Compensation Commission Appeal No. 012398, decided November 27, 2001; Texas Workers' Compensation Commission Appeal No. 010321, decided March 28, 2001. The fact that there may be more than one cause of the claimant's depression does not preclude a finding of compensability, provided that there is a causal connection between the compensable injury and the claimant's condition. Appeal No. 961449, *supra*. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Edward Vilano
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge